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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,316	04/27/2000	SERGE GIDON	GDU-1005	5430

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EXAMINER

SCOTT JR, LEON

ART UNIT PAPER NUMBER

2828

DATE MAILED: 05/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/530,316

Applicant(s)

GIDON ET AL.

Examiner

Leon Scott, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear in lines 4-6 of claim 25 how *each* of the undefined number of N elements being placed in the path of the second laser are each adapted to impose a phase delay, how can an arbitrarily claimed element impose a phase delay ?; claim 25 is indefinite and incomplete. In line 7 of claim 25 what constitutes a *frequency-wise manner* and a *phase-wise manner*, and in line 4 of claim 32, what constitutes a *frequency-wise manner* claims 25 and 32 are indefinite. In line 8 of claim 25 the language *and optionally* is alternative in scope. Further in line 8 what constitutes an *amplitude-wise manner*, claim 25 is indefinite. Since it is not clear that the N elements claimed are capable of imposing a phase delay, lines 10 and 11 of claim 25 are indefinite and incomplete. It is not clear in lines 11 and 12 of claim 25 and in lines 9 and 10 of claim 32, what is the structure that produces: a number of antenna forming means, and the frequency difference  $\omega_1 - \omega_2$ , claims 25 and 32 are indefinite and incomplete. Nothing has been recited in the claims 25 or 32 which suggest that the frequencies  $\omega_1$  and  $\omega_2$  or the difference  $\omega_1 - \omega_2$ , constitute a *ultrahigh frequency* as recited in the preamble of claims 25 and 32, thus applicants are required to provide support in the claims which produces this ultrahigh frequency, or delete this recitation from the claims. Although claim 28 recites means, it is not clear for example how the beat signals are produced by the means or how the emission frequency of the laser emitter pairs are adjusted by the beat signals; claim 28 is functional at the point of novelty. It is not clear in claim 30 that the *source* is the same as the *reference source* of claim 29; claim 30 is indefinite. The recitation *the array* in line 3 of claim 31 lacks a clear antecedent basis. In line 3 of claim 31, what *other beam*, claim 31 is indefinite and incomplete. Since it is not clear that the structure recited in any of claims 37-45 constitute a *radar device* applicants are required to provide support in the claims which produces the claimed *radar device*, or delete this recitation from the claims. Further in this regard applicants are hereby advised that any attempt to incorporate new features or limitations

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into any of these claims must comply with the *new matter* provisions of the MPEP.

Applicant is hereby advised that claims 25-45 may, upon further review of any amendments to overcome the rejections of record, be given favorable consideration.


Ho( '115) is cited for its teaching of a micro-resonator.

Conradi( '369) is cited for its teaching of a wavelength selectable fiber laser system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon Scott, Jr. whose telephone number is 703-308-4884. The examiner can normally be reached on Monday - Friday, 6:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul P. Ip can be reached on (703)308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-2864 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

  
Leon Scott, Jr.  
Primary Examiner  
Leon Scott, Jr.  
Primary Examiner  
Art Unit 2828

lsjr  
May 6, 2002